IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.3386 of 2005

Between:

Zila Vikalangula Sangam rep. by its President T.Saidamma
D/o. Ramaiah R/o.H.No.11-444, Dakshina Bazar, Vinukonda,
Guntur District.

..... PETITIONER

AND

1 The Government of India, rep by its Secretary,
Ministry of Social Justice and Empowerment,
Sastri Bhavan, New Delhi.
2 The Government of A.P. rep by its Principal Secretary,
Ministry of Women and Child Welfare,
Disabled Welfare Secretariat, Hyderabad.
3 The Commissioner Zonal Welfare Correctional Services
and Welfare of Street Children, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent to put the petitioners organization on Black List Vide proceedings File No.12/1(4)/2000-2001-SD(NGO) dt.20.4.2001 and continue the same on the black list despite of the enquiry report wherein it is categorically mentioned that the activities of the petitioner-organisation for Street Children are satisfactory and the same is eligible for receiving the Grant in Aid, submitted by the 2nd and 3rd respondent vide their proceedings Lr.No.3953/J3/A2/2002-1 Dt.27.5.2002 and Lr.No.P3/112/2002 dt.6.5.2002 respectively as illegal, arbitrary and violative of constitutional provisions and also contrary to guide worker issued by the 1st respondent and against the principles of natural justice and fair play and consequently set aside the same.

Counsel for the Petitioner:MR.K.GANI REDDY

Counsel for the Respondent No.1 : Mr.A.Rajasekhar Reddy

Counsel for the Respondent Nos.2 and 3: GP FOR WOMEN DEV. & CHILD

WELFARE

The Court made the following :

ORDER:

When W.M.P.P., 4580 of 2005 has come up for hearing, learned counsel for both the parties consented to take up the writ petition itself and accordingly, the writ petition is taken up for hearing and is being disposed of by this order.

Zilla Vikalangula Sangam, rep., by its President T.Saidamma, has filed this writ petition with a prayer to issue a writ, order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in putting the petitioner-organisation under black list vide proceedings file No.12/1(4)/2000-2001-SD(NGO), dated 20.04.2001 and continuing the same under black list despite the enquiry report, wherein it is categorically stated that the activities of the petitioner-organisation for street children are satisfactory and the same is entitled for receiving the Grant-in-aid, as illegal and arbitrary and violative of the statutory provisions.

The petitioner is a Society registered under Societies Registration Act, 1860 with the object of encouragement to the handicapped in education, to work for unity and to create equality in the society for better development and strong formation of the Nation. The petitioner-organisation has taken-up a project called Street Children Project and submitted necessary proposals. A show cause notice dated 11.10.2000 came to be issued to the petitioner-organisation to show cause as to why the petitioner-organization should not be black listed. Thereupon, the petitioner-organisation submitted a detailed explanation dated 20.10.2000 rebutting the allegations made in the show cause notice. A committee was constituted to enquire into the functions of the petitioner-organisation. The said committee submitted a report. Basing on the report submitted by the committee, proposals have been sent for Grant-in-aid for the years 2000-2001 and 2001-2002. The grievance of the petitioner is that despite the recommendation made by the second respondent, no action has been taken on the said recommendation by the first respondent. Thus, the writ petition is filed by the petitioner-organisation with the prayer stated supra.

Heard learned counsel for the petitioner as well as the learned Government Pleader

for Women Development and Child Welfare appearing for the respondents and perused the records.

It is no more in dispute that the second respondent recommended the proposal to the first respondent under letter No.3953/J3/A2/2002-1 dated 27.05.2002. The text of the letter reads as follows:

> " I forwarded herewith the project proposal of Zilla Vikalangula Sangam Vinukonda along with inspection report of Superintendent, Government observation Home for Boys, Vijayawada and District Probation Officer Grade-I Guntur for sanction of Grant-in-aid of Rs.13,50,000/- (Rupees thirteen lakhs fifty thousand only) after deducting 10% organization contribution to other with information in part-II proforma and recommend the same for consideration under the scheme of welfare of street children for the each year 2000-2001 and 2001-2002."

It seems the first respondent has not taken any action on the recommendation made by the second respondent. In such a situation, the writ petition can be disposed of giving a direction to the first respondent to consider the proposal sent by the second respondent with regard to the sanction of Grant-in-aid to the petitioner-organisation for the years 2000-2001 and 2001-2002. The first respondent has to pass appropriate orders on the proposal sent by the second respondent within three months from the date of receipt of a copy of this order and communicate the same to the petitioner-organisation.

The writ petition is accordingly disposed of. No costs.

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16.06.2005

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1 The Scretary,Ministry of Social Justice and Empowerment,
Government of India, Sastri Bhavan, New Delhi.
2 The Principal Secretary, Government of A.P.
Ministry of Women and Child Welfare,
Disabled Welfare Secretariat, Hyderabad.
3 The Commissioner Zonal Welfare Correctional Services
and Welfare of Street Children, Hyderabad.

4 Two C.Cs to the G.P., for Women Development and Child Welfare, High Court Buildings, Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.GANI REDDY

7 1 CC to MR.UDAYA BHASKARA RAO.